

FILED

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RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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6 David E. Lipton and Dana F. Thibedeau

7 IN THE UNITED STATES DISTRICT COURT  
8 NORTHERN DISTRICT OF CALIFORNIA  
9 SAN FRANCISCO DIVISION

10 DAVID E. LIPTON, DANA F.  
11 THIBEDEAU, individually and on behalf of  
all others similarly situated,

12 Plaintiffs,

13 v.

14 INTEL CORPORATION, a Delaware  
Corporation,

15 Defendant.

) Case No. C 05-2669 (MHP)

) ~~STIPULATION AND [PROPOSED]~~  
) ORDER TO STAY THE CASE  
) MANAGEMENT CONFERENCE AND  
) RELATED DEADLINES PENDING THE  
) OUTCOME OF THE MOTION TO  
) TRANSFER AND COORDINATE OR  
) CONSOLIDATE PURSUANT TO  
) 28 U.S.C. § 1407

16  
17  
18 WHEREAS, on June 29, 2005, Plaintiffs filed the instant action in the Northern  
19 District of California ("Lipton Action");

20 WHEREAS, on July 7, 2005, by Clerk's Notice, the Lipton Action was  
21 reassigned from Magistrate Judge Elizabeth D. Laporte to District Judge Marilyn Hall Patel, all  
22 pending hearing dates were thus vacated, and a case management conference was scheduled for  
23 Monday, October 31, 2005, at 4:00 p.m.;

24 WHEREAS, on or about July 11, 2005, the plaintiffs in Brauch, et al. v. Intel  
25 Corp., No. C 05-2743 (BZ) (N. D. Cal., filed July 5, 2005), a related matter, moved before the  
26 Judicial Panel on Multi-District Litigation ("MDL"), to transfer and coordinate or consolidate for  
27

1 pre-trial proceedings pursuant to 28 U.S.C. § 1407 ("MDL Motion"), and the Lipton Action has  
2 been identified as a related action to that motion;

3 WHEREAS, to date, a decision has not been rendered on the MDL Motion;

4 WHEREAS, the outcome of the MDL Motion will impact significantly the  
5 schedule of this case;

6 THEREFORE, IT IS HEREBY STIPULATED, pursuant to Civil Local Rule 6-2,  
7 by and among counsel for Plaintiffs Lipton and Thibedeau, and counsel for Defendant Intel  
8 Corporation, that the case management conference currently scheduled for Monday, October 31,  
9 2005, should be stayed pending the outcome of the MDL Motion;

10 IT IS FURTHER STIPULATED by the aforementioned parties that any events,  
11 dates or deadlines set by the ADR Local Rules or Federal Rules of Civil Procedure 16 and 26,  
12 and any deadlines established in any case management order applicable to this case should  
13 likewise be stayed pending the outcome of the aforementioned MDL Motion; and

14 IT IS FURTHER STIPULATED by the aforementioned parties that if a case  
15 management conference is rescheduled by the Court, the parties shall adjust the dates for the  
16 conference, disclosures and report required by Federal Rules of Civil Procedure 16 and 26  
17 accordingly.

18  
19 IT IS HEREBY STIPULATED.

20 Dated: October 20, 2005

21 Keller Grover LLP

22 By: /s/ Jeffrey F. Keller

23 JEFFREY F. KELLER

24  
25 Attorneys for Plaintiffs  
26 Lipton and Thibedeau

1 Bingham McCutchen LLP

2  
3 By: /s/ Joy Fuyuno

4 JOY K. FUYUNO

5 Attorneys for Defendant  
6 Intel Corporation  
7  
8  
9


10 **[PROPOSED] ORDER TO STAY THE**  
11 **CASE MANAGEMENT CONFERENCE AND RELATED DEADLINES**

12 The case management conference currently scheduled for Monday, October 31,  
13 2005, is hereby stayed pending the outcome of the motion to transfer and coordinate or  
14 consolidate pursuant to 28 U.S.C. § 1407 ("MDL Motion"). Any deadlines set by the ADR  
15 Local Rules or Federal Rules of Civil Procedure 16 and 26, and any deadlines established in any  
16 case management order applicable to this case are likewise stayed pending the outcome of the  
17 aforementioned motion.

18 Upon the determination of the MDL Motion, if it is necessary for the Court to  
19 reschedule a case management conference, the parties shall adjust the dates for the conference,  
20 disclosures and report required by Federal Rules of Civil Procedure 16 and 26 accordingly.

21 *The parties shall notify the Clerk of Court within 10 days of the MDL decision.*  
22 IT IS SO ORDERED.

23 Date: 10/24/05

24   
25 Honorable Marilyn H. Patel  
26 United States District Court Judge  
27  
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